Revenue (195) Department

MP SERIES.

G.O. No.

1702

Dated - 50.

[Despatch Abstract.]

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COPY OF REFERENCE FROM REVENUE DEPARTMENT, BOARD OF REVENUE, MADRAS B.P.(Res) Mis.358, DATED 24th MARCH 1950.

SUB: ACTS - Regulations - The Mineral Concession Rules 1949 - Amendments - Proposed.

READ: Government (Dev.) Memo 105386 J/49 dated 5.12.49 L.
L.Dis.L.7244/49 dated 14.12-1949.

The Board submits that the following amendment for the approval of the Government, to Rule 22 of Chapter V of Village Officers and Ryots' Manual, as the mineral 'State' occurring in this rule has been classed as a major mineral (C.S.No.87 dated 19.7.46, page 56 of the Mining Manual) Chapter V Rule 22 'omit the word 'state' occurring in the last sentence in para 1 of the Rule".

(sd)..
for Joint Secretary.

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COPY OF MEMORANDUM NO.105386 J/49 DEVELOPMENT DATED 5.12.1949.

SUB: ACTS AND REGULATIONS - The Mineral Concession Rules, 1949 - Arrangements for administration.

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The Mineral Concession Rules, 1949, promulgated by the Government of India under the Mines and Minerals (Regulations and Development) Act, 1948, have come into force from 25-10-1949 and have superseded the Rules contained in the Madras Mining Manual in regulating the grant of Mining concessions for all major minerals in the Province. According to the Provincial Government's Rules which were in force till 25-10-1949, Collectors of the Districts and the Board of Revenue were vested with certain powers for receiving applications for Mining Concessions and the grant of Mining Concessions for certain minerals Under the Rules now issued by the Government of India, powers for the grant of Certificates of Approval, Prospecting Licences and Mining Leases as well as certain preliminary functions for receipts of applications, maintenance of registers etc. have been reserved to the Provincial Government. The Act and Rules do not contain any provision for the delegation of the powers vested with the Provincial Government to any subordinate authority with the result that Collectors and the Board of Revenue have now no powers in the administration of the Rules.

2. The difficulty in working the new Rules without any delegation of powers to authorities subordinate to the Provincial Government was pointed out to the Government of India and the whole position as carefully examined in consultation with the Government of India. The Goverment of India pointed out certain difficulties in delegating the powers of the Provincial Government under these Rules to any authorities subordinate to them. The main difficulty is that if any delegation is made to any subordinate authority in the Province, it will cut across the authority of the Provincial Government as appeals will lie from such authority direct to the Government of India. The Government of India do not also agree to the Rules being administered by the Revenue Subordinate officers as was the procedure followed in this Province prior to 25-10-49 and consider that they shoud be administered by technical officers as is the case in some Provinces and States shere a separate Mines Department is in charge of the work under the Mineral Concessions Rules.

3. As suggested by the Board of Revenue in its Resolution No.6335/49 dated 14-11-1949, there seems to be little case for creating a separate Department in this Province for the administration of the Mining Rules. After consideration of all the difficulties, the Government consider that the best arrangements under the circumstances would be to appoint one of the Heads of Departments as a Secretariat Officer so that, for the purpose of administering the Mineral Concession Rules, he would function as an Officer exercising the powers of Government. Even under the existing arrangements, the Director of Industries and Commerce is in charge of the industrial side of mines and minerals and certain technical matters connected with the administration of the Mining Rules. It has been suggested that most convenient arrangement would be, therefore, to appoint the Director of Industries and Commerce as an Additional Joint or Deputy Secretary to the Government according to the status of the Officer holding the post and to place him in charge of the work connected with the administration of the Mineral Concession Rules in respect of receipt of applications for Certificates, Licences and Leases, issue of such Certificates, licences of Leases, maintenance of the prescribed registers etc. His acts would naturally be those of the Provincial Government for purpose of the Rules, while the Government would at the same time have an opportunity of

considering all important cases which will be put up by the Director of Industries and Commerce to the Secretary to Government and or the Hon'ble Minister in charge, as the case may be, before orders are issued. If necessary, the Director of Industries and Commerce may have to be given the assistance of an Officer with mining qualifications or mining experience who will function as the expert Assistant of the Director and also be in charge of all technical and routine work connected with the administration of the Rules such as maintenance of registers etc. The Director can call for reports in connection with the administration of the Rules from Collectors just as the Board of Revenue was doing while the routine work in the districts now being done by Collectors can continue to be done by them.

4. As regards the Receiving Officers under Rules 7, 14 and 27 of the Mineral Concession Rules, the Government of India Officers with whom the Secretary, Development discussed the matter recently are aggreeable to the Collector of the Revenue District being made the Receiving authority for applications. But as it is felt that the maintenance of registers in differen districts of the Presidency makes it difficult for parties to get information conveniently, it is considered that in order to obviate this difficulty and also facilitate consideration of appeals by Central Government, the maintenance of a Central Register is necessary. For the purpose of maintenance of this Register by the Director of Industries and Commerce, the Receiving Officers in the districts will send regular extracts from their registers. The collection ~~xiii~~ of rents and royalties and certain routine items of work now attended to by the district staff in the Nellore District, and by the Revenue Subordinate staff in the other districts as was being done under the old Rules in the Madras Mining Manual.

5. The Board of Revenue and the Director of Industrie and Commerce are requested to offer their remarks on these suggestions. The matter may be treated as specially urgent and a reply sent to Government so as to reach them not later than 15-12-1949. Copies of the minutes of discussion of the Secretary Development with the concerned Government of India Officers are enclosed for information.

COPY OF Board's Reference L.Dis.L.7244/49 dated 14-12-49.

SUB: ACTS AND REGULATIONS - The Mineral Concession Rules, 1949 - Arrangements for administration - Remarks - Submitted.

REF: Government Memo No.1053805/49 Dev. 3/5-12-49.

With reference to the Government Memo cited above, the Board submits that it has no special remarks to offer. It however, accepts the proposal that the Director of Industries and Commerce can call for reports in connection with the administration of the Rules direct from the Collectors.

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GOVERNMENT OF MADRAS

ABSTRACT

ACTS AND REGULATIONS - The Mineral Concession Rules 1949 - amendments - To the village officers and Ryots Manual - Approved.

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REVENUE DEPARTMENT

G.O.Ms.No.1702. dated 9-- 6--1950

READ:

From the Board of Revenue B.P.(Res)Mis 358 dated 24--3--1950.

ORDER:

The draft amendment to Rule 22 of Chapter V of Village officers and Ryots Manual submitted by the Board of Revenue in its Proceeding read above is approved.

(sd).....
SECRETARY TO GOVERNMENT.

To the Board of Revenue Department.(L.R.)
Copy to Development Department.

(TRUE COPY)

R Thiagarajan 1956

SUPERINTENDENT,
MADRAS RECORD OFFICE.